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6 Attorneys for Jaban Maurice Maddox

7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 JABAN MAURICE MADDOX,
14 Defendant.

Case No.: 2:13-CR-353-GMN-GWF
AMENDED
STIPULATION TO CONTINUE
MOTION DEADLINES AND
TRIAL DATES
(First Request)

15 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
16 States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United
17 States of America, and Rene L. Valladares, Federal Public Defender, and BREND A WEKSLER,
18 Assistant Federal Public Defender, counsel for JABAN MAURICE MADDOX, that the calendar
19 call currently scheduled for Tuesday, November 12, 2013 at 9:00 a.m., and the trial currently
20 scheduled for Tuesday, November 19, 2013 at 9:00 a.m., be vacated and set to a date and time
21 convenient to this court but no longer than sixty (60) days.

22 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and
23 including December 19, 2013, by the hour of 4:00 p.m., within which to file any and all pretrial
24 motions and notices of defense.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
26 have to and including January 2, 2014, by the hour of 4:00 p.m., within which to file any and all
27 responsive pleadings.

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1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
2 have to and including January 9, 2014, by the hour of 4:00 p.m., within which to file any and all
3 replies to dispositive motions.

4 This Stipulation is entered into for the following reasons:

- 5 1. The client is in custody and does not oppose the continuance.
- 6 2. Counsel for the defendant is in the process of investigating and researching the case
7 and needs additional time.
- 8 3. The additional time requested herein is not sought for purposes of delay, but merely
9 to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit
10 appropriate pretrial motions.
- 11 4. Denial of this request for continuance would deny counsel for the defendant sufficient
12 time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking
13 into account the exercise of due diligence.
- 14 5. Additionally, denial of this request for continuance could result in a miscarriage of
15 justice. The additional time requested by this Stipulation is excludable in computing the time within
16 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
17 Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors
18 under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).
- 19 6. This is the first stipulation to continue filed herein.

20 DATED: October 11, 2013.

21
22 RENE L. VALLADARES
23 Federal Public Defender

24 */s/ Brenda Weksler*

25 By: _____
26 BREND A WEKSLER,
27 Assistant Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

/s/ Phillip N. Smith, Jr.

28 By: _____
PHILLIP N. SMITH, JR.,
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JABAN MAURICE MADDOX,

Defendant.

Case No.: 2:13-CR-353-GMN-GWF

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The client is in custody and does not oppose the continuance.
2. Counsel for the defendant is in the process of investigating and researching the case and needs additional time.
3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit appropriate pretrial motions.
4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking into account the exercise of due diligence.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).
6. This is the first stipulation to continue filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion and trial dates.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, §§ 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, § 3161 (h)(7)(A), when considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED, that the parties herein shall have to and including December 19, 2013, by the hour of 4:00 p.m., within which to file any and all pretrial motions and notices of defense.

IT IS FURTHER ORDERED, by and between the parties, that they shall have to and including January 2, 2014, by the hour of 4:00 p.m., within which to file any and all responsive pleadings.

IT IS FURTHER ORDERED, by and between the parties, that they shall have to and including January 9, 2014, by the hour of 4:00 p.m., within which to file any and all replies to dispositive motions.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be submitted to the Court by the 30th day of January, 2014, by the hour of 4:00 p.m.

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1 IT IS FURTHER ORDERED that the calendar call currently scheduled for Tuesday,
2 November 12, 2013 at 9:00 a.m., be vacated and continued to Feb 3, 2014, at the hour of
3 9:00 a.m; and the trial currently scheduled for Tuesday, November 21, 2013 at 9:00 a.m., be
4 vacated and continued to Feb 11, 2014, at the hour of 8:30a.m.

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6 **DATED** this 15th day of October, 2013.

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Gloria M. Navarro
United States District Judge